

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-5 are currently pending in this application. By the foregoing amendment Claim 1 has been revised, and new Claim 6 has been added to afford the applicants the breadth and scope of patent protection to which they are entitled. Accordingly, Claims 1-6 are now present in this application for consideration and allowance.

In the December 24, 2008 Office Action the following claim rejections, which are respectfully traversed for reasons subsequently set forth herein, were made.

1. Claims 1, 2, 4 and 5 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 5,938,582 to Ciamacco, Jr. et al; and

2. Claims 1-5 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 4,467,790 to Schiff.

1. The Anticipation Rejection of Claims 1, 2, 4 and 5 Based on Ciamacco, Jr. et al

The Examiner's stated basis for rejecting Claims 1, 2, 4 and 5 as being anticipated by Ciamacco, Jr. et al is that, in the Examiner's words:

Ciamacco discloses a catheter body **54** defining an interior lumen, an expandable structure **42,44** having a distal end and carried by the catheter body and a stylet **56** having a proximal end and being sized and configured for passage through the lumen and adapted to straighten the expandable structure during deployment into an interior body region (Figure 17a-b). The stylet is coupleable to the catheter body and abuts against the distal end of the expandable structure and is substantially rigid.

Via independent Claim 1, each of applicants' rejected Claims 1, 2, 4 and 5 specifies that applicants' recited stylet is **selectively insertable into and withdrawable from the interior of the expandable structure via the lumen**. As depicted in Ciamacco, Jr. et al FIGS. 17a and 17b relied upon by the Examiner, the "stylet" element 56 referred to by the Examiner is **fixedly**

secured to the distal portion 44 of the expandable structure 42,44 and thus clearly is not selectively insertable into and withdrawable from the interior of the expandable structure 42,44 via the interior lumen of the catheter 54 as would be required by the present applicants' Claims 1, 2, 4 and 5. If the Ciamacco, Jr. et al stylet element 56 was not fixedly secured to the expandable structure portion 44, the expandable structure 42,44 could not be inwardly "accordioned" as shown in FIG. 17b in response to proximal movement of the stylet element 56, and the pressurized inflating fluid used to expand the structure 42,44 would simply leak out the distal end of the expandable structure 42,44. It is thus respectfully submitted that none of applicants' Claims 1, 2, 4 and 5 is anticipated by U.S. Patent 5,938,582 to Ciamacco, Jr. et al.

2. The Anticipation Rejection of Claims 1-5 Based on Schiff

The Examiner's stated basis for rejecting Claims 1-5 as being anticipated by Schiff is that, in the Examiner's words:

Schiff discloses a catheter body 16 defining an interior lumen, an expandable structure 12 having a distal end and carried by the catheter body and a stylet 30 having a proximal end and being sized and configured for passage through the lumen and adapted to straighten (and twist) the expandable structure during deployment into an interior body region (Figure 1). The stylet is coupleable to the catheter body and abuts against the distal end of the expandable structure (see abstract). The stylet is substantially rigid and made of stainless steel (col. 5, lines 56-57).

Via independent Claim 1, each of applicants' Claims 1-5 specifies that applicants' recited stylet is **selectively insertable into and withdrawable from the interior of the expandable structure via the lumen**. In Schiff, the stylet 30 is **fixedly secured** to the distal end 14 of the balloon 12, as specifically stated in lines 56-59 of column 4 of the Schiff specification. Accordingly, the stylet 30 is clearly not selectively insertable into and withdrawable from the interior of the balloon 12 via the lumen of the inner shell 17 as would be required by the present applicants' Claims 1-5. It is thus respectfully submitted that none of applicants' Claims 1-5 is anticipated by U.S. Patent 4,467,790 to Schiff.

3. New Claim 6

New Claim 6 depends from Claim 1 and for at least the reasons set forth above is seen to be patentably distinguishable over either of the Ciamacco, Jr. et al and Schiff references. Claim 6 sets forth a further limitation not disclosed in either of these references, namely that the recited catheter body has an open distal end configured to prevent movement of the stylet therethrough. As can be clearly seen in the Ciamacco, Jr. et al and Schiff references, neither the Ciamacco, Jr. et al catheter 54 nor the Schiff catheter 16 has a distal end that prevents movement of its associated stylet member therethrough. For at least this additional reason, it is respectfully submitted that new Claim 6 is patentably distinguishable over both of the Ciamacco, Jr. et al and Schiff references.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-6 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/739-8612 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,



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